



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

		Application Number	10/809,688
		Filing Date	March 26, 2004
		First Named Inventor	Katsuhiko YANAGIHARA
		Group Art Unit	1637
		Examiner Name	Joyce TUNG
Total Number of Pages in This Submission	3	Attorney Docket Number	31978-201641

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (No Fee)	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Response to Restriction Requirement	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i>
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> First Status Inquiry
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Nancy J. Axelrod, Reg. No. 44,014	26694 ATENT TRADEMARK OFFICE
Signature		
Date	July 20, 2006	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450b on this date:

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**VENABLE**  
ATTORNEYS AT LAW

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, 22313-1450.

#770108



PTO/SB/17 (12-04v2)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>Effective on 12/08/2004.</b> <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b> <b>FEE TRANSMITTAL</b> <b>For FY 2006</b>		<b>Complete if Known</b>		
		Application Number	10/809,688	
		Filing Date	March 26, 2004	
		First Named Inventor	Katsuhiko YANAGIHARA	
		Examiner Name	Joyce TUNG	
		Art Unit	1637	
TOTAL AMOUNT OF PAYMENT	(\$)	0.00	Attorney Docket No.	31978-201641

**METHOD OF PAYMENT** (check all that apply)

Check    Credit Card    Money Order    None    Other (please identify) \_\_\_\_\_  
 Deposit Account   Deposit Account Number: 22-0261   Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below    Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17    Credit any overpayments

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	FILING FEES		SEARCH FEES		EXAMINATION FEES	
	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>
Utility	300	150	500	250	200	100
Design	200	100	100	50	130	65
Plant	200	100	300	150	160	80
Reissue	300	150	500	250	600	300
Provisional	200	100	0	0	0	0

**2. EXCESS CLAIM FEES**

Fee Description

Each claim over 20 (including Reissues)

Small Entity

Fee (\$)   Fee (\$)

50   25

Each independent claim over 3 (including Reissues)

200   100

Multiple dependent claims

360   180

<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	- 20 = _____	x _____	= _____

Multiple Dependent Claims

Fee (\$)   Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	- 3 = _____	x _____	= _____

HP = highest number of total claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
_____	- 100 = _____	/50 _____ (round up to a whole number) x _____	= _____	_____

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

<b>SUBMITTED BY</b>	
Signature	Nancy Axelrod
Name (Print/Type)	Nancy J. Axelrod
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Telephone	(202) 344-4000
Date	July 20, 2006

770110



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Katsuhiko YANAGIHARA *et al.*

Application No.: 10/809,688

Filed: March 26, 2004

For: DETECTION OF NUCLEIC ACID  
SEQUENCE VARIATIONS USING  
PHAGE MU TRANSPOSAE

Confirmation No.: 8599

Art Unit: 1637

Examiner: Joyce TUNG

Atty. Docket No. 31978-201641

Customer No.:  
26694  
PATENT TRADEMARK OFFICE

**RESPONSE TO RESTRICTION REQUIREMENT**

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

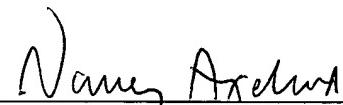
Responsive to the Office Action dated June 20, 2006, Applicants hereby elect Group I, as defined on page 2 of the Office Action (directed to a method). This election is made with traverse, at least because the Examiner has not even alleged that an undue searching burden would be required in examining the full scope of the claims.

In any case, Applicants request that the claims of Group II (reaction mixtures present during the performance of the method) and/or Group III (kit used to perform the method) be rejoined to the claims of Group I once those claims are deemed to be allowable, provided that the

claims in Groups II and III are commensurate in scope with the allowed claims in Group I per the *In re Ochiai*, 37 USPQ 2d 1127 (Fed. Cir. 1995) and *In re Brouwer*, 37 USPQ2d 1663 (Fed. Cir. 1996) decisions, and MPEP 821.04.

No fee is believed to be due with this response. However, the Commissioner is hereby authorized to charge any fees association with this response or credit any overpayment to Deposit Account No. 22-0261, citing Docket No. 31978-201641.

Respectfully submitted,

  
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